

Austin, Texas
Barton Creek Watershed Ordinance No. 82 1118-N
Contact: Pat Murphy
(512) 499-2270
General Ordinance
Adopted: 1982

ORDINANCE NO. 82 1118-N

AN ORDINANCE AMENDING CHAPTER 9-10 (RIVERS, LAKES, AND WATERCOURSES) OF THE AUSTIN CITY CODE OF 1981; ADDING A NEW DIVISION 4 TO ARTICLE V OF SAID CHAPTER; DECLARING CERTAIN FINDINGS OF FACT; PROVIDING FOR SITE DEVELOPMENT STANDARDS FOR LAND LOCATED WITHIN THE WATERSHED OF BARTON CREEK; PROVIDING FOR SEVERABILITY; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; DECLARING AN EMERGENCY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. That Chapter 9-10 of the Austin City Code of 1981 be and is hereby amended to add a new Division 4 to Article V of said Chapter, which new Division 4 shall read as follows:

DIVISION A. BARTON CREEK WATERSHED

PART A. GENERAL PROVISIONS

Section 9-10-301 Findings and Objectives

A. The city council of the city of Austin, Texas, hereby makes the following findings:

1. The city council of the city of Austin, Texas, is the trustee of the natural environment of Barton Creek, Barton Springs, and much of the Barton Creek watershed for existing and future generations of citizens of Austin and its environs; and,
2. Barton Creek is a significant source of Austin's water supply; and,
3. Barton Springs and portions of Barton Creek provide significant and irreplaceable recreational opportunities to the citizens of Austin and its environs; and,
4. The Barton Creek watershed, compared to other watersheds within Austin's jurisdiction, is mostly undeveloped; and,
5. Development activities in the Barton Creek Watershed can result in irreparable damage to the natural environment of, the recreational qualities of, and the quality of the water in, Barton

Creek, Barton Springs and the Barton Creek Watershed; and

6. The Barton Creek Watershed, due to abrupt topography, thin and easily disturbed soil, natural springs, and seeps, including Barton Springs, rare biotic communities, and sparse but significant vegetation, is different from other watersheds within

-263-

Austin's jurisdiction and is highly susceptible to irreparable damage resulting from development activities; and

7. The Barton Creek watershed is facing rapid development; and

8. The continued economic growth of Austin is dependent on a pleasing natural environment, quality supplies of water and recreational opportunities in close proximity to Austin; and

9. Barton Creek, Barton Springs, and the Barton Creek watershed must be protected in order to preserve the health, safety, and welfare of the citizens of Austin and its environs; and,

10. If the Barton Creek watershed is not developed in a sensitive and innovative manner in accordance with regulations designed to protect the watershed, natural environment, water resources, and recreational characteristics of Barton Creek and Barton Springs will be irreparably damaged; and,

11. The city council has commissioned and received an extensive study of characteristics of the Barton Creek watershed, the adverse impact of development activities thereon and the means by which adverse development impacts can be mitigated; and

B. Based on the findings set out in subsection (a), the study cited in subsection (a)(11), and the study and recommendations of the Barton Creek Task Force the city council enacts this ordinance to achieve the following specific objectives:

1. Prevent indiscriminate and unnecessary stripping of vegetation and the unnecessary loss of soils;

2. Prevent, or compensate for, increases in soil erosion and sedimentation during and after development construction activities;

3. Prevent, or compensate for, increases in stormwater runoff rates;

4. Prevent or reduce increases in pollutant concentrations and total pollutant loadings of stormwater runoff;

5. Prevent loss of recharge to localized aquifers supplying local seeps and springs essential to the maintenance of the ecosystem and the base flow and water quality of Barton Creek; and

6. Prevent loss of recharge to the Edwards Aquifer and protect the quality of the recharge to the Edwards Aquifer.

-264-

Section 9-10-302 Application of Division and Coordination with Other Ordinances

A. This division sets out special requirements for the development of land located in the Barton Creek watershed, as defined herein, when situated either within the corporate limits of the city of Austin or within the five (5) mile extraterritorial jurisdiction of the city of Austin. A person wishing to develop land in this area must comply both with these special requirements and the other applicable requirements of this chapter.

B. In case of conflict between the requirements of this division and other provisions of this chapter or some other ordinance, the requirements of this division govern.

C. The Director of Public Works, in cooperation with the Directors of Planning and Environmental Resource Management, shall design and administer a system, including necessary forms, that coordinates the requirements of this article and division and the rest of this chapter and Chapter 13-3, minimizes duplication of requirements and conflict between them, and facilitates the expeditious processing of site development permit applications.

Section 9-10-303 Exemption from Division

A. The requirements of this division shall not apply to the construction of one- or two-family residential housing structures or appurtenances thereto where only one such structure is built per legal lot, tract, or parcel.

B. The requirements of this division shall not apply to subdivisions which were lawfully subdivided prior to April 17, 1980, or to subdivisions which were specifically exempted from Austin City Ordinance No. 800417-I.

Section 9-10-304 Exemption from Waterway Development Permit

No waterway development permit is required where a site development permit has been issued for a site within the city limits, such site development permit has become effective, and where all requirements of Article IV, Division 2, of this chapter are met.

Section 9-10-305 Definitions

A. The definitions in Section 9-10-1 of this chapter also apply to this division insofar as they do not conflict with the definitions contained herein.

B. In this division the terms set forth in this section shall have the following meanings:

Alternative sewage disposal systems wastewater treatment and disposal systems other

than a standard septic tank and absorption-type drainfield. Such systems include, but are not limited to,

-265-

aerobic systems, evapotranspiration drainfields and pressure-dosing trench fields.

Applicant--a person applying for a site development permit under this division.

Barton Creek watershed--the Director of Public works shall determine the boundaries of the Barton Creek watershed and Edwards Aquifer Zone from topographic and hydrologic data. For purposes of illustration, the Watershed and Aquifer Zone boundaries are identified on a map attached to this ordinance as Exhibit A. Copies of the map are available for inspection at the offices of the City Clerk, Planning Department, Public Works Department, Environmental Resource Management and City/County Health Department.

Bluff--an abrupt vertical change in topography in land located in the Critical Water Quality Zone or the Lowland Water Quality Zone of more than 40 feet with an average slope steeper than 4 feet of rise for 1 foot of travel.

Commercial--includes all development other than one- and two-family residential housing structures.

Crest of Bluff--a line on the ground parallel to and at the top of a bluff, beyond which the average slope is no steeper than 1 foot of rise in 2 feet of travel, for a horizontal distance of not less than 40 feet.

Critical Water Quality Zone--all land except that located beyond the crest of a bluff (1) within 400 feet, measured horizontally, on either side of the centerline of Burton Creek and (2) with 200 feet, measured horizontally, on either side of the centerline of a major tributary of Barton Creek.

Development--includes buildings and other structures; construction; and excavation, dredging, grading, filling, and clearing or removing vegetation.

Edwards Aquifer Zone--includes all land, not included in the Critical or Lowland Water Quality Zones, over the Edwards Aquifer recharging Barton Springs.

Family--one person or two or more persons related by blood, marriage, or legal adoption, or a group of not more than six unrelated persons occupying a housing unit.

Lowland Water Quality Zone--all land except that located in the Critical Water Quality Zone which is (1) within 700 feet, measured horizontally, on either side of the centerline of Barton Creek and (2) with 500 feet, measured horizontally, on either side of the centerline of a major tributary.

-266-

Major tributary--any watercourse within the Barton Creek watershed having a drainage area of 320 acres or more. A major tributary is measured from its confluence with Barton Creek or another tributary upstream to a point at which the contributing drainage area is less than 320 acres.

Minor tributary--any watercourse within the Barton Creek watershed which drains directly into Barton Creek and drains an area of 64 acres or more. A minor tributary is measured from its confluence with Barton Creek upstream to point at which the contributing drainage area is less than 64 acres.

Minor Tributary Protection Zone--all land within 150 feet on either side of the centerline of a minor tributary for the first 1,500 feet of its length from the centerline of Barton Creek and all land with 100 feet for the next 1000 feet. The lengths of minor tributaries and the widths of the minor tributary protection zone are measured horizontally.

Natural drainage--a stormwater runoff conveyance system not significantly affected by development.

Natural state--substantially the same conditions of the land which existed prior to its development including, but not limited to, the game type, quality, quantity, and distribution of soil, ground cover, vegetation, and topographic features.

One-family residential housing structure--a detached building occupied or suitable for occupancy by only one family as a residence, and having kitchen, bath, and sanitary facilities, and appropriate appurtenances for such occupancy.

Overland drainage--stormwater runoff which is not confined by any natural or manmade channel such as a creek, drainage ditch, storm sewer, or the like.

Two-family residential housing structure--a single detached building having two separate components, each of which components is occupied or suitable for occupancy by only one family as a residence, and each of which has kitchen, bath, and sanitary facilities, and appropriate appurtenances for such occupancy.

Upland Water Quality Zone--all land not within the Critical Water Quality Zone, the Lowland Water Quality Zone, or the Edwards Aquifer Zone.

Section 9-10-306 Certification of Plans and Specifications

No plans and specifications called for in this division shall be accepted, reviewed, or approved by the Director of Public Works unless accompanied by the certification of a registered Texas professional engineer that (1) the development plan is complete, (2) the technical data is accurate, and (3) the requirements of this division are met.

Section 9-10-307 Inspections

Any person who has filed a site development plan for approval pursuant to this division shall agree to allow entry on the land or premises which is the subject of such application for the purpose of inspection of conditions on the premises by duly authorized agents and employees of the city, as may be necessary to assure compliance with this division.

Section 9-10-308 Certificate of Compliance or Occupancy

No city utilities may be connected to a site unless a certificate of compliance is issued by the Department of Public Works when the development is completed pursuant to requirements of this division for areas outside the city limits or until the Building Inspection Department issues a certificate of occupancy with the written concurrence of the Director of Public Works for areas within the city limits. Requests by the developer/owner for a certificate of compliance or occupancy for development other than one- or two-family residential housing construction shall be accompanied by a certificate prepared and signed by a registered professional engineer attesting to the completion of the project in substantial conformance with the site development permit.

Section 9-10-309 Penalty for Violations

Any person violating any of the provisions of this division, upon conviction, shall be fined not less than twenty-five (\$25.00) dollars nor more than two hundred (\$200.00) dollars. Each day that the violation continues shall constitute a separate offense.

PART B. SITE DEVELOPMENT PERMIT

Section 9-10-316 Required

Unless exempt under Section 9-10-303, above, no development shall be undertaken on any land, tract, parcel, or lot within the Barton Creek watershed until the effective date of a site development permit for said development issued by the Director of Public Works.

Section 9-10-317 Application

A. Application for a site development permit shall be submitted to the Director of Public Works and shall be accompanied by a site development plan. The application and site development plan shall contain the following information unless the Director of Public Works determines that due to the scope and nature of the proposed development some of the information is unnecessary:

1. The date, scale, north point, and key plan showing the location of the tract on which the development is to take place. The minimum scale of site plans shall be one inch equals forty feet (1"= 40').

2. The existing boundary lines and acreage of the tract on which the development is to take place, and the common boundary lines and names of the owners of adjacent properties.
3. A topographic map with two (2) foot contours meeting national mapping accuracy standards, showing:
 - a. each water quality zone in which the site is located;
 - b. each major tributary and minor tributary protection zone on the site;
 - c. the 100-year floodplains on the site;
 - d. the location, type, and total percentage of proposed and existing impervious cover on the site; and
 - e. the proposed grades.
4. A slope map, with a scale comparable to the site plan showing:
 - a. all bluffs;
 - b. all slopes greater than 35 percent gradient; and
 - c. all slopes of 15 to 35 percent gradient for proposed development in the Edwards Aquifer Zone.
5. A drainage study to address the purposes and design criteria set forth in Part D of this division and certifying compliance with requirements thereof.
6. The plan for erosion-sedimentation control required by Section 9-10-346.
7. The archaeological site investigation required by Section 9-10-355, if applicable.
8. A description of the structure types or uses proposed, and total percentage of proposed and existing impervious cover on the site.
9. Final site construction plans.
10. Variance requests.

Section 9-10-318 Fee

Applications for permits required by the provisions of this division shall be accepted only upon payment of the appropriate fee as established by Ordinance.

Section 9-10-319 Burden of Proof

An applicant for a site development permit under this division must establish that his/her plans comply with the requirements of this division and with other applicable requirements of this chapter.

Section 9-10-320 Advertising Application

A. Within two (2) days of the filing of any application for a site development permit, the city shall place signs on property under application for the purposes of advertising said permit. The signs shall meet the following requirements:

1. Each sign shall be no smaller than eighteen (18) inches by thirty (30) inches; and
2. Each sign shall include the words "Proposed Site Development Permit," plus such other information as may be determined necessary by the Director of Public Works.

B. Signs placed on the property involved must be within ten (10) feet of any property line paralleling any established or proposed street and must be visible from that street.

C. All required signs shall remain on the property until final disposition of the permit request is determined.

Section 9-10-321 Review of Application

A. On receipt of an application for a site development permit, accompanied by the correct filing fee, the Director of Public Works shall file the application and send a copy to the Director of Environmental Resource Management for review and recommendations. The Director of Public Works may not act on an application (except to request more information) until he or she receives a report on the application from the Director of Environmental Resource Management.

B. The Director of Environmental Resource Management shall review the application and send a written report thereon to the Director of Public Works within fifteen (15) working days after the date on which the application was filed. Included in such report shall be the recommendation of the Director of Environmental Resource Management to:

1. Grant the permit,
2. Deny the permit, or
3. Disapprove the permit pending the receipt of additional information.

Section 9-10-322 Action on Application

A. The Director of Public Works must grant the permit, deny the permit, or disapprove the permit with the request for additional information within twenty (20) working days after the date on which the application was filed.

B. If the director denies the permit or disapproves the permit with the request for additional information, he or she must within the twenty (20) working day period, notify the applicant by certified mail of the denial or disapproval and explain each ground of denial or describe the additional information requested, in either case identifying the requirements of this chapter that justify the denial or necessitate additional information.

C. If the Director of Public Works does not deny or disapprove the permit, within the time period and in the manner specified in subsections (A) and (B), the permit is automatically granted on the twentieth (20th) working day after the date on which the application was filed.

D. A site development permit is effective on the tenth (10th) working day after the date on which it is granted unless an appeal is timely delivered under Section 9-10-324.

Section 9-10-323 Variances

A. The planning commission may grant a variance from the terms of this division if the applicant requests it in the application and the commission finds that, because of special circumstances applicable to the property involved, a strict application deprives the property of privileges or safety enjoyed by other similarly situated property with similarly timed development. Where these conditions are found, the variance permitted shall be the minimum departure from the terms of this division necessary to avoid the deprivation of privileges enjoyed by the other property and to facilitate a reasonable use and which will not create significant probabilities of harmful environmental consequences. The commission may not grant a variance if it would provide the applicant with any special privileges not enjoyed by other similarly situated properties with similarly timed development, or if based on a special or unique condition created as a result of the method by which the applicant voluntarily subdivided the land on which the site proposed for development is located, if such voluntary subdivision of the land occurred after the effective date of Austin City Ordinance No. 800417.I (April 17, 1980) and if such voluntary subdivision was not exempt from said ordinance. The planning commission may consider written reports from appropriate city departments and may request such further information from city departments which is relevant and necessary to its decision.

B. The planning commission shall justify the grant or denial of a variance in writing for the application file.

-271-

Section 9-10-324 Appeal to City Council

A. Any person may appeal in writing to the city council the grant or denial (but not disapproval) of a site development permit under Section 9-10-322 or the grant or denial of a variance under Section 9-10-323. The appeal must be delivered to the Director of Public Works

on or before the ninth (9th) working day after the date on which the permit or variance was granted or denied.

B. On receipt the Director of Public Works shall deliver the appeal, together with the permit application file to the city clerk for placing on the council agenda. The city clerk shall notify the appellant, the applicant (if different), and the Directors of Public Works and Environmental Resource Management of the hearing date by mail at least ten (10) days before the hearing.

C. The city council must decide the appeal at a public hearing on or before the forty-fifth (45th) day after the date on which the appeal was delivered to the city clerk. If both the grant or denial of a permit, or the grant or denial of a variance from the same site are appealed, or if there are multiple appeals of the same grant or denial, the Council shall decide them at the same hearing.

D. The appellant has the burden of proof on appeal and the council must decide the appeal solely on the basis of the permit application file; the written appeal; the written response to the appeal. If any; from the applicant; oral argument at the council hearing; written reports from appropriate city departments; and such further information which is relevant and necessary to the council's decision as may be requested from appropriate city departments by the council.

E. After considering the appeal the council may affirm the grant or denial, reverse it, or modify it to comply with the requirements of this division.

PART C. WATER QUALITY ZONES

Section 9-10-331 Purpose

A. The Barton Creek watershed is divided into four water quality zones, the Critical Water Quality Zone, the Lowland Water Quality Zone, the Edwards Aquifer Zone, and the Upland Water Quality Zone.

B. The widths and location of the zones are calculated to protect the water quality of Barton Creek and Barton Springs by attenuating the contaminants and sediments transported by runoff, reducing the rate and volume of runoff, maximizing infiltration and recharge of the seeps and springs in the watershed, and preserving the delicate vegetation of the mesic woodlands.

-272-

Section 9-10-332 Critical Zone

A. Within the Critical Water Quality Zone. development activities shall be limited to:

1. Collector street crossings, maintenance of existing roadways, and reconstruction and widening of existing roadways;
2. Utilities, which cannot reasonably be located in other zones;

3. Fences, other than in the 25-year floodplain;
 4. Public and private parks and open space, with development in the parks and open space limited to trails and facilities (other than stables and corrals for animals) for hiking, jogging, biking, horseback riding, and nature walks; and
 5. Flood control projects approved by the city council.
- B. This section does not prohibit development of the southern extension of Mo-Pac Boulevard or of the Barton Skyway Bridge.

Section 9-10-333 Lowland Zone.

- A. Development in the Lowland Water Quality Zone is limited to:
1. Development authorized in the Critical Water Quality Zone;
 2. One- and two-family residential housing structures;
 3. Streets and driveways;
 4. Drainage facilities other than storm drainage facilities for commercial development or structural controls for commercial development; and
 5. Public and private parks and open spaces, exclusive of parking lots.

Section 9-10-334 Edwards Aquifer Zone

- A. Development in the Edwards Aquifer Zone is limited to:
1. Development authorized in the Lowland Water Quality Zone;
 2. Commercial, if:
 - a. on completion of development the applicant leaves, or restores if necessary, at least forty (40) percent (all in the Edwards Aquifer Zone) of his proposed commercial site in or to its natural state and leaves it in that state to serve as a buffer located contiguously to the development to receive runoff from the development for purposes of overland drainage.
- 273-
- b. the proposed impervious cover on the proposed commercial site does not exceed thirty-five (35) percent of the commercial site area.
- C. no impervious cover is created on slopes which, prior to any development, exceed twenty-five (25) percent gradient.

B. Development or related activity necessitating restoration to the natural state is authorized in the forty (40) percent buffer zone only for the installation and maintenance of drainage systems, including storm drainage facilities and structural controls for commercial development, occupying no more than one-half of the area of the forty (40) percent buffer zone, fences, utility and irrigation lines, access for these purposes, and to the building site and clearing necessary for these purposes.

Section 9-10-335 Upland Zone

A. Development in the Upland Water Quality Zone is limited to:

1. Development authorized in the Lowland Water Quality Zone;
2. Commercial, if:
 - a. upon completion of development the applicant leaves, or restores if necessary, at least forty (40) percent (all in the Upland Water Quality Zone) of his proposed commercial site in or to its natural state and leaves it in that state to serve as a buffer located contiguously to the development to receive runoff from the development for the purpose of overland drainage.
 - b. the proposed impervious cover on the proposed commercial site does not exceed thirty-five (35) percent of the commercial site area. Provided, however, that impervious cover on the commercial site may exceed such thirty-five (35) percent limitation to the extent that development rights were transferred to the site during the planning of the land under Chapter 13-3, Article VXi, Division 2 of this Code, but in no case shall exceed forty-five (45) percent of the commercial site.

B. Development or related activity necessitating restoration to the natural state is authorized in the forty (40) percent buffer zones under subsection (a) above, only for the installation and maintenance of drainage systems, including storm drainage facilities, and structural controls for commercial development, occupying no more than one-half of the area of the forty (40) percent buffer zone, fences, utility and irrigation lines, access for these purposes and to the building site and clearing necessary for these purposes.

-274-Section 9-10-336 Protection of Minor Tributaries

Land within the minor tributary protection zone is subject to the same development limitations as land located in the Critical Water Quality Zone. However, for purposes of computing the impervious cover limitations imposed by this division, land within the minor tributary protection zone is part of the water quality zone in which it is located.

PART D. DRAINAGE

Section 9-10-341 Purpose

A. Natural drainage patterns must be preserved and the amount of impervious cover limited to prevent erosion, maintain infiltration and recharge of local seeps and springs, and attenuate the harm of contaminants collected and transported by stormwater.

B. These objectives can best be accomplished by avoiding the use of streets and street rights-of-way as the central drainage network wherever practicable.

Section 9-10-342 Drainage Design

A. To the greatest extent practicable, an applicant shall maintain natural drainage patterns consistent with the purpose of the preceding section.

B. If storm sewers are necessary, an applicant shall design his drainage system to mitigate their harmful impact on water quality by using structural devices or other methods to control sediment and dissipate energy, by using multiple smaller discharge outlets wherever practicable, and by locating discharges to maximize overland flow.

C. An applicant shall provide at least three-hundred (300) feet of natural drainage between each storm sewer outlet and Barton Creek or one of its major tributaries.

D. The post-development stormwater runoff rates from a site may not exceed the predevelopment rates from the site for 1-year, 5-year, and 25-year storms.

E. An applicant may not clear off vegetation or alter the land within the 100-year floodplain of Barton Creek or its major tributaries except for authorized development.

PART E. EROSION AND SEDIMENTATION CONTROL

Section 9-10-345 Purpose

The volume, rate, and quality of stormwater runoff originating from development must be controlled to prevent soil erosion and water

-275-

quality degradation in the Barton Creek watershed. Stormwater transported sediment is of primary concern because it provides a transport medium for contaminants and because excessive sedimentation can, reduce infiltration and recharge of the local seeps and springs in the watersheds.

Section 9-10-346 Plan

A. An applicant must submit with the application a two-phase erosion sedimentation control plan, as described in subsections (B) and (C), that complies with the city of Austin "Erosion and Sedimentation Control Manual," as approved by the city council. Until the manual is approved, the plan must comply with the Soil Conservation Service manual titled "Erosion and Sediment

Control Guidelines for Developing Areas in Texas."

B. The preliminary plan must locate on the topographic map and describe:

1. The features and soil characteristics of the site that bear on the land's erosion potential;
2. The proposed temporary erosion controls, including slope stabilization techniques and maintenance of the controls; and
3. Proposed locations for temporary storage of fill and spoil, for permanent disposal of fill and spoil, and for temporary storage of construction equipment.

C. The final plan must:

1. Locate on the final construction site plans and describe any required structural controls;
2. Describe all maintenance necessary for proper operation of any required structural controls and agree to perform the maintenance;
3. Describe how the undeveloped portion of the site will be restored to blend with undeveloped portions of the surrounding land; and

A. Include a construction timetable that meshes the major steps of construction with the installation and removal of the temporary erosion controls, installation of any structural controls required, and restoration of the site.

Section 9-10-347 Enforcement of Plan

A. After two days written notice to the person holding the site development permit, modifications from the approved erosion-sedimentation control plan may be made in the field if the city inspector deems the controls or sequencing inappropriate or

-276-

inadequate in achieving their purpose and has confirmed his/her findings with the Director of Public Works and the Director of the Office of Environmental Resource Management, and has their written approval. In evaluating the appropriateness or adequacy of the approved erosion controls or construction sequencing for the purpose of determining whether field modifications may be made under this subsection, the city inspector and said department directors shall take into consideration the following:

1. Deviations between the locations where water was expected to drain and the actual patterns of drainage;
2. Deviations between the expected effectiveness of the approved erosion controls and their demonstrated effectiveness; and

3. Such other factors which clearly demonstrate the inappropriateness or inadequacy of the approved erosion control or construction sequencing plans.

B. If an applicant does not comply fully with his approved erosion-sedimentation plan, the Director of Public Works shall notify him in writing that the city may correct and revegetate the disturbed area at his expense unless he does so within sixty (60) days after the date on the notice, or unless he provides erosion and sedimentation controls and the continuing maintenance thereof acceptable to the Department of Public Works.

PART F. OTHER REQUIREMENTS

Section 9-10-351 Land Clearing

A. Not more than eighty-five (85) percent of the land area included within the site to be developed located in the Upland Water Quality Zone shall be cleared of existing vegetation.

B. No clearing or rough cutting shall be permitted prior to the effective date of a site development permit issued by the Director of Public Works. Limited clearing and rough cutting for soil testing and surveying and construction of temporary erosion and sedimentation controls as per approved plans may be allowed with a permit from the Public Works Department for such limited purposes.

C. Vegetation within the Critical Water Quality Zone shall not be disturbed except for purposes consistent with development activity permitted by Section 9-10-332.

Section 9-10-352 Bluff Setback and Bluff Clearing Limitation

No clearing, alteration or development of any kind shall be undertaken within fifty (50) feet of a crest of a bluff.

-277-

Section 9-10-353 Alternative Sewage Disposal

An alternative sewage disposal system is required:

A. for all development in the Edwards Aquifer Zone not served by an organized wastewater collection and disposal system; and

B. for each lot, parcel, or tract smaller than 1 acre.

Section 9-10-354 Construction on Certain Slopes

There shall be no development, except development which is authorized within the Critical Water Quality Zone, on slopes over thirty-five (35) percent gradient.

Section 9-10-355 Archaeological Site Investigation

A. An applicant must furnish an archaeological site investigation report with his site development permit application. The report should be limited in nature and must be signed by a qualified archaeologist and either:

1. Locate, briefly describe, and evaluate the significance of all archaeological and historical sites found in the proposed development site that warrant further investigation; or,
2. Certify that there is no significant archaeological or historical site on the surface of the proposed development site that warrants further investigation.

B. If the report recommends further investigation, the Director of Parks and Recreation may do so at city expense.

C. No archaeological site investigation report shall be required, however, if such report was previously submitted pursuant to the subdivision of the land under Chapter 13-3, Article VII, Division 2 of this code. Nor shall such report be required if the site being developed is smaller than five (5) acres.

PART 2. If any part of this ordinance is found to be unconstitutional, unenforceable, or in violation of law, the remaining portions shall remain in effect and shall be construed so as to give effect to those portions held not to be in violation of law.

PART 3. The grave need to protect Barton Creek, Barton Springs, and the Barton Creek watershed from irreparable harm that can result from development activities creates an emergency; therefore, an emergency is hereby declared to exist; the rule requiring that ordinances be read on three (3) separate days is hereby suspended and this ordinance shall be effective immediately upon its passage and adoption as provided for in the Charter of the City of Austin.

-278-

PASSED AND APPROVED

November 18, , 1982

Carol Keeton McCleallan
Mayor

APPROVED:

Albert DeLaRosa
City Attorney

, ATTEST:

Grace Monroe
City Clerk

-279-/-280-